

the proper allegations within the required time. *Jaeger v. Requardt*, 25 Md. 240.

What the petition should allege and the issues submit. *Goodwin v. Selby*, 77 Md. 446.

Duty of the court upon the filing of the petition. *Castelberg v. Wheeler*, 68 Md. 274; *Jaeger v. Requardt*, 25 Md. 240.

1904, art. 47, sec. 22. 1888, art. 47, sec. 22. 1860, art. 48, sec. 20. 1880, ch. 172. sec. 23. 1886, ch. 298, sec. 23. 1896, ch. 446.

22. Any person who shall depart from or remain absent from this State with intent to hinder, delay or defraud his creditors, or conceal himself to avoid service upon him in any action for the recovery of a debt; and any person who conceals or removes any of his property to prevent the same from being taken under legal process, or makes an assignment, gift, sale, conveyance or transfer of all or part of his estate or property with the intent to delay, hinder or defraud his creditors; or who, when insolvent or in contemplation of insolvency, executes a deed or conveyance giving preferences, creates a lien making any unlawful preferences as therein stated, or otherwise gives such preference; or when insolvent or in contemplation of insolvency, confesses any judgment or allows any judgment to be entered against him by any contrivance, or being a banker, broker, merchant, trader, builder, or manufacturer, stops payment of his negotiable paper fraudulently, or suspends payment thereof and fails to resume the same within twenty days; or being a banker or broker shall fail for twenty days to pay any depositor on demand lawfully made, shall be deemed to have committed an act or acts of insolvency, as the case may be; provided, the petition mentioned in the next succeeding section is filed within four months after the act of insolvency is committed.

Acts of insolvency.

The fact that the grantee or party to whom money is paid has no knowledge that the grantor is insolvent, does not take the case out of the operation of this section. Prayers correctly setting forth the facts requisite to bring a case under this section. Where a firm, being insolvent, sells its stock of goods and immediately returns to the purchaser a part of the purchase price, to be applied to the payment of notes on which the purchaser is endorser, a preference is created. Where a merchant commits acts of insolvency, a subsequent assignment for the benefit of creditors has no effect against the insolvent trustee. *Willison v. Frostburg Bank*, 80 Md. 212. (Section 34 not applicable.)

The fact that the defendant honestly believes he will be able to go on with the business, and makes the preferences without any design so to do, is immaterial. As soon as the debtor commits any of the acts enumerated in this section, it becomes the absolute right of the creditor to place the debtor in insolvency. Though there be an erroneous instruction on one act of insolvency, if the debtor is guilty of another act, the judgment will not be reversed. *Castelberg v. Wheeler*, 68 Md. 279.

If the conveyances are in other respects valid and there are no proceedings in insolvency within the prescribed time, the conveyances are good. The term "insolvency" means an inability to pay debts as they become due in the ordinary course of business. Intention of this section. When a party subjects himself to its provisions. *Castelberg v. Wheeler*, 68 Md. 275.

Whatever is the necessary consequence of an act deliberately done, the law presumes every man to intend. When the *quo animo* becomes an inference of law. *Gardner v. Lewis*, 7 Gill, 404.